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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,057	08/03/2001	Michael L. Asmussen	SEDN/5313	8084

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EXAMINER
DAYE, CHELCIE L

ART UNIT	PAPER NUMBER
2161	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	09/921,057	ASMUSSEN ET AL.
	Examiner	Art Unit	
	Chelcie Daye	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 December 2006</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-33</u> is/are pending in the application.

    4a) Of the above claim(s) <u>12-20</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11 and 21-33</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>12/21/06</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is issued in response to applicant's amendment filed

December 21, 2006.

2.   Claims 1-11 and 21-33 are presented. Claims 12-20 remain withdrawn, no

claims were added and none cancelled.

3. .   Claims 1-11 and 21-33 are pending.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

5.   **Claims 1 and 21 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Balogh (US Patent No. 5,493,677) filed June 8, 1994, in

view of Dudkiewicz (US Patent No. 6,651,253) filed November 16, 2001;

Provisional November 16, 2000.

Regarding Claims 1 and 21, Balogh discloses an apparatus for

suggesting available aggregated content from a plurality of media sources

in a digital communications network, comprising:

a content metadata crawler that searches metadata related to the

available content and produces a metadata list (column 3, lines 2-10 and

column 10, lines 22-28, Balogh), wherein the metadata list comprises a

plurality of metadata elements, and wherein each metadata element

comprises one or more metadata fields (Fig.3, item 262, Balogh);

a suggestion keyword indexer coupled to the content metadata

crawler, wherein the suggestion keyword indexer receives the metadata

list and indexes the metadata elements (Fig.6; columns 8-9, lines 64-67

and 1-9, respectively, Balogh);

a suggestion database coupled to the suggestion keyword indexer

that stores the indexed metadata elements (column 9, lines 9-14, Balogh);

and

a suggestion database processor coupled to the content metadata

crawler, the suggestion keyword indexer and the suggestion keyword

database (column 4, lines 14-22, Balogh). However, Balogh is silent with

respect to the content being aggregated from the plurality of media

sources and the suggestion database processor searching the suggestion

database, based on one or more search request criteria, to produce a list

of keywords to be used to suggest content from the plurality of media

sources. On the other hand, Dudkiewicz discloses the content is being

aggregated from the plurality of media sources (column 14, lines 39-67,

Dudkiewicz)[1] and the suggestion database processor searching the

suggestion database, based on one or more search request criteria, to

produce a list of keywords to be used to suggest content from the plurality

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[1] Examiner Notes: The plurality of media sources corresponds to video, television, and personal digital assistants (i.e. PDA's). Other media sources are also found at columns 30-31, lines 65-67 and 1-5; respectively, wherein the audio programs and electronic print are examples.

of media sources (column 12-13, lines 39-67 and 1-8, respectively,

Dudkiewicz). Balogh and Dudkiewicz are analogous art because they are

from the same field of endeavor of the identification of programming

events of interest to a viewer. It would have been obvious to one of

ordinary skill in the art at the time of the invention to incorporate

Dudkiewicz's teachings into the Balogh system. A skilled artisan would

have been motivated to combine as suggested by Dudkiewicz at column

3, lines 47-56, in order to producing evaluations which reflect an actual

users preferences more accurately, and further matching and ranking

programs based on viewer preferences. As a result, provide intelligence in

receiving and recording devices for identifying programs of interest on

behalf of the user.

6.   **Claims 2-3,5-11,22-23,and 26-33 are rejected under 35 U.S.C. 103(a)**

as being unpatentable over Balogh (US Patent No. 5,493,677) filed June 8,

1994, in view of Dudkiewicz (US Patent No. 6,651,253) filed November 16,

2001; Provisional November 16, 2000, as applied to claim1 above, and

further in view of Cappi (US Patent Application No. 20020038308) filed May

27, 1999.

        Regarding Claims 2 and 22, the combination of Balogh in view of

Dudkiewicz, disclose the apparatus wherein the suggestion keyword

indexer, comprises:

an extraction module that extracts and caches a value of each

metadata field (column 9, lines 25-33, Dudkiewicz);

a parsing module coupled to the extraction module that parses

contents of uniquely identifying metadata fields (column 9, lines 1-8 and

column 10, lines 46-55, Dudkiewicz), wherein the contents of a uniquely

identifying field comprises one or more word items (column 12, lines 33-

37, Balogh);

a classifying module coupled to the parsing module that classifies

one or more of the one or more word items (column 11, lines 11-39,

Dudkiewicz); and

a comparison module coupled to the classifying module that

compares one or more of the one or more word items to determine a list of

related terms (columns 11-12, lines 40-67 and 1-8, respectively,

Dudkiewicz). However, the combination of Balogh in view of Dudkiewicz,

are silent with respect to an index matrix record builder that creates and

augments an index matrix record for each of the classified word items. On

the other hand, Cappi discloses an index matrix record builder that creates

and augments an index matrix record for each of the classified word items

([0058-0059], lines 1-6 and 1-10, respectively, Cappi). Balogh in view of

Dudkiewicz, and further in view of Cappi, are analogous art because they

are from the same field of endeavor of database integration. It would have

been obvious to one of ordinary skill in the art at the time of the invention

to incorporate Cappi's teachings into the Balogh in view of Dudkiewicz

system. A skilled artisan would have been motivated to combine as suggested by Cappi at [0009], lines 1-15, in order to logically integrating databases onto a global data dictionary so a user can conduct searches and retrieve data that corresponds to a data element needed. As a result, providing the most relevant information to the user first.

Regarding Claims 3 and 23, the combination of Balogh in view of Dudkiewicz, and further in view of Cappi, disclose the apparatus further comprising one or more of a dictionary database, a thesaurus database and a lexicon database ([0034], lines 1-9, Cappi), wherein the comparison module compares a word item to entries in one or more of the dictionary database, the thesaurus database and the lexicon database, and ([0042], lines 1-12, Cappi) wherein the list of related terms includes one or more of a dictionary definition, lexicon data, and one or more synonyms ([0059-0062], lines 1-10,1-6,1-12, and 1-10, respectively, Cappi).

Regarding Claims 5 and 26, the combination of Balogh in view of Dudkiewicz, and further in view of Cappi, disclose the apparatus wherein the uniquely identifying fields comprise one or more of content type, content title, date of production, rating and parental notice information, performer, artist, writer, author, plot summary, keyword list, and textual content description (Fig.7; columns 10-11, lines 46-67 and 1-10, respectively, Dudkiewicz).

Regarding Claims 6 and 27, the combination of Balogh in view of Dudkiewicz, and further in view of Cappi, disclose the apparatus wherein the index matrix record builder comprises a vector assignment module that assigns a word item vector value for a word item, wherein the word item vector value may be used as a measure of similarity between a word item and a related term ([0103], lines 1-15, Cappi).

Regarding Claims 7 and 28, the combination of Balogh in view of Dudkiewicz, and further in view of Cappi, disclose the apparatus wherein the suggestion database processor, comprises:

a vector determination module that assigns a search term suggestion vector range to one or more of the search request criteria (columns 11-12, lines 65-67 and 1-8, Dudkiewicz); and

a vector value comparator that compares a vector value of a search term and the word item vector value to determine if the word item vector value falls within the suggestion vector range of the search term (column 12, lines 9-38, Dudkiewicz), wherein word items that fall within the suggestion vector range may be used to search for suggested content (column 16, lines 6-24, Dudkiewicz).

Regarding Claims 8 and 29, the combination of Balogh in view of Dudkiewicz, and further in view of Cappi, disclose the apparatus wherein

the suggestion vector range is adjustable by a user of the apparatus

(columns 14-15, lines 60-67 and 1-9, Balogh).

Regarding Claims 9,30, and 31, the combination of Balogh in view

of Dudkiewicz, and further in view of Cappi, disclose the apparatus further

comprising a user-defined filter, comprising:

a user history filter (column 17, lines 25-27, Dudkiewicz);

a user profile filter (column 17, lines 19-25, Dudkiewicz); and

an approved content access filter, wherein the suggestion database

processor processes search results from the suggestion database using

the user-defined filter to produce the list of suggested content (column 14,

lines 8-17, Dudkiewicz).

Regarding Claims 10 and 32, the combination of Balogh in view of

Dudkiewicz, and further in view of Cappi, disclose the apparatus further

comprising a ranking module, wherein the ranking module ranks content in

the list of suggested content (columns 22-23, lines 65-67 and 1-16,

Dudkiewicz).

Regarding Claims 11 and 33, the combination of Balogh in view of

Dudkiewicz, and further in view of Cappi, disclose the apparatus where in

the ranking module ranks the content according to one or more of a user

historical analysis report and similarities to previously accessed content by

the user (column 30, lines 24-55, Dudkiewicz).

7.   **Claims 4,24,and 25 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Balogh (US Patent No. 5,493,677) filed June 8, 1994, in

view of Dudkiewicz (US Patent No. 6,651,253) filed November 16, 2001;

Provisional November 16, 2000 and further in view of Cappi (US Patent

Application No. 20020038308) filed May 27, 1999 and further in view of

Karaali (US Patent No. 6,182,028) filed November 7, 1997.

Regarding Claims 4,24, and 25, the combination of Balogh in view

of Dudkiewicz, and further in view of Cappi, disclose the apparatus

wherein the classifying module comprises one or more computational

linguistics tools (column 12, lines 57-64, Balogh), wherein the one or more

computational linguistic tools determine part-of-speech data of a word item

(column 8, lines 1-22, Balogh), and wherein the index matrix record

builder adds the part-of-speech data to the index matrix record for the

word item (column 6, lines 6-27, Balogh). However, the combination of

Balogh in view of Dudkiewicz, and further in view of Cappi, are silent with

respect to the linguistic tool including a rule-based part-of-speech tagging

algorithm and a stochastic part-of-speech tagging algorithm. On the other

hand, Karaali discloses the linguistic tool including a rule-based part-of-

speech tagging algorithm and a stochastic part-of-speech tagging

algorithm (column 3, lines 3-14, Karaali). Balogh in view of Dudkiewicz,

further in view of Cappi, and further in view of Karaali are analogous art

because they are from the same field of endeavor of relating part-of-

speech. It would have been obvious to one of ordinary skill in the art at the

time of the invention to incorporate Karaali's teachings into the Balogh in

view of Dudkiewicz, and further in view of Cappi system. A skilled artisan

would have been motivated to combine as suggested by Karaali at column

1, lines 11-21, in order to assign the correct part of speech to each word in

a sentence, based on the word's usage. As a result, disclosing the

accurate recognition of text.

Response to Arguments

Applicant's arguments with respect to newly amended independent claims

1 and 21 have been considered but are moot in view of the new ground(s) of

rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
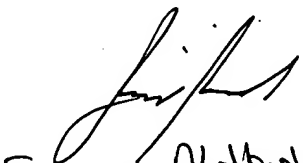
Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
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